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REMARKS

The Office Action mailed May 22, 2007 has been received and reviewed. Claims 1-19 and 21 are in the case. Claim 21 stands rejected under 35 U.S.C. § 112. Claims 1-11, 16-19, and 21 stand rejected under 35 U.S.C. § 103(a). Claims 12-15 have been deemed to contain allowable subject matter.

By this paper, claims 1, 3, 11, 16, and 21 have been amended. For the reasons set forth below, claims 1-19 and 21 are believed to be in condition for immediate allowance. Favorable reconsideration of the application in view of the following remarks is, therefore, respectfully requested.

Rejection of Claim 21 Under 35 U.S.C. §112, second paragraph

Claim 21 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Specifically, the Office Action finds "the flexible member wherein" to be indefinite.

By this paper, claim 21 has been amended to recite "a flexible member further comprising." Accordingly, reconsideration of claim 21 is respectfully requested.

Objection to Claims 12-15

Claims 12-15 stand objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form. Accordingly, by this paper, independent claim 11 has been amended to incorporate the allowable subject matter of claim 12. Thus, Applicant asserts that claims 11-15 are in condition for immediate allowance.

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Rejection of Claims 1-10, 16-19, and 21 Under 35 U.S.C. §103(a)

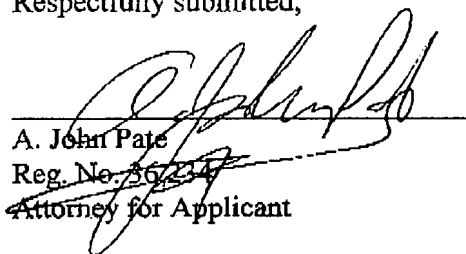
Claims 1-10, 16-19, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over various combinations of Safko, Podd, Pierce, and Kellogg. However, to establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP 2143. Applicant does not find every claim element of Applicant's newly amended claims to be taught or suggested in any of the various combinations. Accordingly, Applicant asserts that the obviousness rejection based on those combination is improper and should be withdrawn.

For example, with respect to claims 1-10, 16-19 and 21, Applicant now recites a tailgate selectively pivoting between a vertical, closed position and a horizontal, open position. Applicant does not find in Safko, Podd, or Pierce any teaching or suggestion of a tailgate. In fact, Applicant finds that Safko and Podd specifically teach removal of all tailgates. See Safko at Figure 2 and col. 1, 40-42; see also Podd at Figure 1. While Kellogg teaches a tailgate (see Kellogg at Figures 1 and 4), that teaching is incompatible with the teachings of the other references. Accordingly, Kellogg cannot properly be combined therewith. Reconsideration is, therefore, respectfully requested.

In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 22nd day of August, 2007.

Respectfully submitted,


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